

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERNEST H. BRADLEY,

Petitioner,

v.

WADE LAUER, et al.,

Respondents.

Civil Action No. 09-17 Erie

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on January 27, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 13], filed on April 14, 2009, recommended that Petitioner's Petition be dismissed for lack of jurisdiction and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. No objections were filed. After de novo review of the petition, motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6<sup>th</sup> day of May, 2009;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DISMISSED for lack of jurisdiction and a certificate of appealability is DENIED.

The Report and Recommendation [Doc. No. 13] of Magistrate Judge Baxter, filed on April 14, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge